

PATENT
Attorney Docket No.:003636.0086

REMARKS

PENDING CLAIMS

Claims 1, 2, 4-8, 10, 13, 15-19 and 27-34 are pending of which claims 1, 8, 13, 17, 27, and 29 are independent and claims 33-34 are newly added. Claims 1, 4-13, 15-19 and 27-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Gupta et al. (U.S. Pat. No. 6,374,305, hereinafter referred to as Gupta). Claims 2-3 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta in view of Aravamudhan et al. (U.S. Pat. No. 6,563,919, hereinafter referred to as Ara). These rejections are respectfully traversed for the reasons set forth below.

REJECTION UNDER 35 U.S.C. §102(e)

Claims 1, 4-13, 15-19 and 27-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Gupta. The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the features of the claimed combination. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

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Therefore, if the cited reference does not disclose each and every feature of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claim 1 recites, "wherein the HTTP redirector, provided at the client, accesses the library of mobile services in order to obtain information about a wireless protocol supported by the client device." Independent claims 13, 17, and 27 each recite similar features, and these features are not taught or suggested by Gupta. Accordingly, claims 1, 2, 4-7, 13, 15-19 and 27-28 are believed to be allowable.

Independent claim 8 recites, "forwarding the packaged response to the HTTP redirector via a message router and a protocol gateway." Independent claim 29 recites, "a protocol gateway encapsulating the fundamental network protocol, which underlies each of the one or more wireless network protocols." Gupta fails to teach the claimed protocol gateway. Accordingly, claims 8, 10 and 29-34 are believed to be allowable. Furthermore, the rejection of claims 8 and 29 fails to indicate which element of Gupta teaches the claimed protocol gateway. If the 102(e) rejection over Gupta of claims 8 and 29 is maintained in a next office action, the Examiner must provide an explanation of the pertinence of Gupta to the features of rejected claims 8 and 29, including the claimed protocol gateway. *See MPEP § 706(c)(2)*. Furthermore, if the rejection is maintained it should not be made final, because the Applicant must have an opportunity to respond to the rejection based on an explanation of the pertinence of each reference to the rejected claims.

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REJECTION UNDER 35 U.S.C. §103(a)

Claims 2-3 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta in view of Ara. Claim 2 has been amended to include the library of mobile services stored at the client device. This feature is not taught or suggested by Gupta or Ara. Claims 3 and 14 have been cancelled. However, some of the features of claim 3 have been combined with claim 1 and some of the features of claims 14 have been combined with independent claim 13. Accordingly, the rejections of claims 3 and 14 are addressed below with respect to claims 1 and 13.

Claim 1 recites, "wherein the HTTP redirector, provided at the client, accesses a library of mobile services in order to obtain information about a wireless protocol supported by the client device." Independent claim 13 recites similar features.

Neither Gupta nor Ara teach or suggest an HTTP redirector provided at the client that accesses the library of mobile services in order to obtain information about a wireless protocol. The rejection of claims 3 and 14 correctly states that Gupta fails to teach the features of claims 3 and 14. The rejection, however, appears to state that Ara teaches an HTTP redirector sitting on top of a library of mobile services, whereby the UMM 30 disclosed in Ara is the claimed HTTP redirector and that it would have been obvious to combine the UMM 30 with the web server agent 42 of Gupta to teach the claimed invention.

Ara discloses a system for unifying mobile communications transmitted from mobile devices, such as a cellular telephone, pager, and laptop, after the communications are received in the network at the UMM 30. Thus, Ara also fails to teach or suggest an HTTP redirector provided at the client that accesses the library of mobile services in order to obtain information about a wireless protocol. Furthermore, the combination of Gupta and Ara as stated in the

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rejection provides the UMM 30 of Ara in the web server agent 42 of Gupta. Thus, the combination also fails to teach or suggest an HTTP redirector provided at the client that accesses the library of mobile services. Accordingly, claims 1 and 13 are also believed to be allowable over Gupta in view of Ara.

NEWLY ADDED CLAIMS

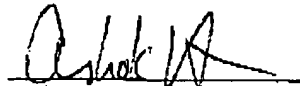
Claims 33 and 34 are dependent on claims 29 and 8, respectively. Claims 33 and 34 are believed to be allowable for at least the reasons claims 8 and 29 are believed to be allowable. In addition, claims 33 and 34 are directed towards a redirector provided at the client device, which is not taught or suggested by the cited prior art.

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CONCLUSION

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, the Applicants respectfully request issuance of a Notice of Allowability. If the undersigned attorney can assist in any matters regarding examination of this application, the Examiner is encouraged to call at the number listed below.

Respectfully submitted,


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Date

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